

2013 DRAFTING REQUEST

Bill

Received:	9/4/2012	Received By:	chanaman
Wanted:	As time permits	Same as LRB:	
For:	Jeremy Thiesfeldt (608) 266-3156	By/Representing:	Hariah
May Contact:		Drafter:	chanaman
Subject:	Criminal Law - miscellaneous	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Thiesfeldt@legis.wi.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 9/4/2012	scalvin 9/5/2012	jfrantze 9/5/2012	_____			
/P1	chanaman 9/10/2012		jfrantze 9/10/2012	_____	mbarman 9/5/2012		State S&L
/P2	chanaman 11/19/2012	kfollett 11/19/2012	rschluet 11/19/2012	_____	lparisi 9/10/2012		State S&L
/1	chanaman	scalvin	jfrantze	_____	sbasford	sbasford	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/1/2013	3/1/2013	3/1/2013	_____	11/19/2012	11/20/2012	S&L
/2				_____	lparisi	lparisi	State
				_____	3/1/2013	3/4/2013	S&L

FE Sent For:

<END>

A+
Intro.

2013 DRAFTING REQUEST

Bill

Received:	9/4/2012	Received By:	chanaman
Wanted:	As time permits	Same as LRB:	
For:	Jeremy Thiesfeldt (608) 266-3156	By/Representing:	Hariah
May Contact:		Drafter:	chanaman
Subject:	Criminal Law - miscellaneous	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Thiesfeldt@legis.wi.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 9/4/2012	scalvin 9/5/2012	jfrantze 9/5/2012	_____			
/P1	chanaman 9/10/2012		jfrantze 9/10/2012	_____	mbarman 9/5/2012		State S&L
/P2	chanaman 11/19/2012	kfollett 11/19/2012	rschluet 11/19/2012	_____	lparisi 9/10/2012		State S&L
/1					sbasford	sbasford	State

12 sac
03/01/2013
Jb
3/1
RS

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
				_____	11/19/2012	11/20/2012	S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 9/4/2012	Received By: chanaman
Wanted: As time permits	Same as LRB:
For: Jeremy Thiesfeldt (608) 266-3156	By/Representing: Hariah
May Contact:	Drafter: chanaman
Subject: Criminal Law - miscellaneous	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Thiesfeldt@legis.wi.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 9/4/2012	scalvin 9/5/2012	jfrantze 9/5/2012	_____			
/P1	chanaman 9/10/2012		jfrantze 9/10/2012	_____	mbarman 9/5/2012		State S&L
/P2	chanaman 11/19/2012	kfollett 11/19/2012	rschluet 11/19/2012	_____	lparisi 9/10/2012		State S&L
/1				_____	sbasford		State

Vers. Drafted

Reviewed

Typed

Proofed

Submitted

Jacketed

Required

11/19/2012

S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**

Received: **9/4/2012** Received By: **chanaman**
 Wanted: **As time permits** Companion to LRB:
 For: **Jeremy Thiesfeldt (608) 266-3156** By/Representing: **Hariah**
 May Contact: Drafter: **chanaman**
 Subject: **Criminal Law - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Thiesfeldt@legis.wi.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 9/4/2012	scalvin 9/5/2012	9/5/2012	_____			
/P1	chanaman 9/10/2012	11/5/11 11/19	9/10/2012	_____	mbarman 9/5/2012		State S&L
/P2			11/9/12	_____	lparisi 9/10/2012		State S&L

FE Sent For:

<END>

Please
Jacket
for
Assembly

2013 DRAFTING REQUEST

Bill

Received: **9/4/2012**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Jeremy Thiesfeldt (608) 266-3156**

By/Representing: **Hariah**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Thiesfeldt@legis.wi.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

2013 DRAFTING REQUEST

Bill

Received: 9/4/2012 Received By: chanaman
Wanted: As time permits Companion to LRB:
For: Jeremy Thiesfeldt (608) 266-3156 By/Representing: Hariah and Linda Palmer
May Contact: Drafter: chanaman
Subject: Criminal Law - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Thiesfeldt@legis.wi.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given


Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 9/4/2012	scalvin 9/5/2012	9/5/2012	_____			
/P1		P2 sac 9/10/12		9/10	mbarman 9/5/2012		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **9/4/2012**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Jeremy Thiesfeldt (608) 266-3156**

By/Representing: **Hariah and Linda Palmer**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Thiesfeldt@legis.wi.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given


Topic:

Eliminating rules on pepper spray and other regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	chanaman	1/1 sac 9/5/12		9/5			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

2013-2014



LRB-4371/P2

CMH:sac:jm

-0017/pi
↑

~~PRELIMINARY DRAFT~~ NOT READY FOR INTRODUCTION

PWF

1 *pepper*
AN ACT *to repeal* 941.26 (4) (f), 941.26 (4) (g), 941.26 (4) (h), 941.26 (4) (i), 941.26
2 (4) (j) 1. c. and 941.26 (4) (j) 2.; *to renumber and amend* 941.26 (4) (k); *to*
3 *consolidate, renumber and amend* 941.26 (4) (j) 1. (intro.), a. and b.; and *to*
4 *create* 941.26 (4) (k) 2. and 941.26 (4) (m) of the statutes; **relating to:** the
5 regulation of oleoresin of capsicum in containers sold in this state.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Justice (DOJ) to promulgate rules regulating the sale of devices or containers that contain oleoresin of capsicum (commonly known as the pepper in pepper spray). The rules must include safety criteria, requirements to ensure such a device or container is effective and appropriate for self-defense purposes, limits on the percentage of oleoresin of capsicum in such a device or container, and a maximum effective range for such a device or container. A person who intentionally sells a device or container that does not comply with these rules is guilty of a Class A misdemeanor. This bill prohibits DOJ from promulgating rules that regulate such devices or containers.

Current law also prohibits a person from selling a device or container containing oleoresin of capsicum without providing the purchaser with a proper label on the device or container, written safety instructions for using the device or container, and a package that contains a clear, highlighted message to the purchaser cautioning him or her to read and follow the safety instructions. A person who violates one of the prohibitions is guilty of a Class A misdemeanor. This bill

eliminates the requirement to provide a package containing a clear, highlighted message that cautions the purchaser to read and follow the safety instructions.

Also, under current law, a seller of a device or container may not leave an unsold device or container in a place where customers have access to it. This bill eliminates this prohibition.

Finally, under current law, a person under the age of 18 who possesses a device or container containing oleoresin of capsicum is subject to a Class E forfeiture. Under this bill, this prohibition does not apply if the person's parent, guardian, or legal custodian gave the device or container to him or her. Also under current law, a person who knowingly sells such a device or container to a person under the age of 18 is guilty of a Class C forfeiture. This bill eliminates this provision.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 941.26 (4) (f) of the statutes is repealed.

2 **SECTION 2.** 941.26 (4) (g) of the statutes is repealed.

3 **SECTION 3.** 941.26 (4) (h) of the statutes is repealed.

4 **SECTION 4.** 941.26 (4) (i) of the statutes is repealed.

5 **SECTION 5.** 941.26 (4) (j) 1. (intro.), a. and b. of the statutes are consolidated,
6 renumbered 941.26 (4) (j) and amended to read:

7 941.26 (4) (j) Whoever intentionally sells a device or container described under
8 par. (a) without providing the purchaser with ~~all of the following is guilty of a Class~~
9 ~~A misdemeanor: a. A~~ a proper label on the device or container. b. Written and
10 written safety instructions for using the device or container is guilty of a Class A
11 misdemeanor.

12 **SECTION 6.** 941.26 (4) (j) 1. c. of the statutes is repealed.

13 **SECTION 7.** 941.26 (4) (j) 2. of the statutes is repealed.

14 **SECTION 8.** 941.26 (4) (k) of the statutes is renumbered 941.26 (4) (k) 1. and
15 amended to read:

941.26 **(4)** (k) 1. ~~Any~~ Except as provided in subd. 2.. ~~any~~ person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

SECTION 9. 941.26 (4) (k) 2. of the statutes is created to read:

941.26 **(4)** (k) 2. Subdivision 1. does not apply if the person's parent, guardian, or legal custodian purchased the device or container for him or her or gave the device or container to him or her.

SECTION 10. 941.26 (4) (m) of the statutes is created to read:

941.26 **(4)** (m) The department of justice may not promulgate or enforce any rule that regulates a device or container described under par. (a), including the packaging or labeling of the device or container, safety or effectiveness criteria for the device or container, the contents of the device or container, or the sale of a device or container.

SECTION 11. Initial applicability.

(1) The treatment of section 941.26 (4) (g), (i), and (j) 1. c. and 2. of the statutes first applies to sales that occur on the effective date of this subsection.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0017/P1
CMH:sac:jf

P2

Today if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS-
please
fix
request sheet

repeal

1 AN ACT *to repeal* 941.26 (4) (f), 941.26 (4) (g), 941.26 (4) (h), 941.26 (4) (i), 941.26
2 (4) (j) 1. c. and 941.26 (4) (j) 2.; *to renumber and amend* 941.26 (4) (k); *to*
3 *consolidate, renumber and amend* 941.26 (4) (j) 1. (intro.), a. and b.; and *to*
4 *create* 941.26 (4) (k) 2. and 941.26 (4) (m) of the statutes; **relating to:** the
5 regulation of oleoresin of capsicum in containers sold in this state.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Justice (DOJ) to promulgate rules regulating the sale of devices or containers that contain oleoresin of capsicum (commonly known as the pepper in pepper spray). The rules must include safety criteria, requirements to ensure such a device or container is effective and appropriate for self-defense purposes, limits on the percentage of oleoresin of capsicum in such a device or container, and a maximum effective range for such a device or container. A person who intentionally sells a device or container that does not comply with these rules is guilty of a Class A misdemeanor. This bill prohibits DOJ from promulgating rules that regulate such devices or containers.

Current law also prohibits a person from selling a device or container containing oleoresin of capsicum without providing the purchaser with a proper label on the device or container, written safety instructions for using the device or container, and a package that contains a clear, highlighted message to the purchaser cautioning him or her to read and follow the safety instructions. A person who violates one of the prohibitions is guilty of a Class A misdemeanor. This bill

eliminates the requirement to provide a package containing a clear, highlighted message that cautions the purchaser to read and follow the safety instructions.

Also, under current law, a seller of a device or container may not leave an unsold device or container in a place where customers have access to it. This bill eliminates this prohibition.

Finally, under current law, a person under the age of 18 who possesses a device or container containing oleoresin of capsicum is subject to a Class E forfeiture. Under this bill, this prohibition does not apply if the person's parent, guardian, or legal custodian gave the device or container to him or her. Also under current law, a person who knowingly sells such a device or container to a person under the age of 18 is guilty of a Class C forfeiture. This bill eliminates this provision.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 941.26 (4) (f) of the statutes is repealed.

2 SECTION 2. 941.26 (4) (g) of the statutes is repealed.

3 SECTION 3. 941.26 (4) (h) of the statutes is repealed.

4 SECTION 4. 941.26 (4) (i) of the statutes is repealed.

5 SECTION 5. 941.26 (4) (j) 1. (intro.), a. and b. of the statutes are consolidated,
6 renumbered 941.26 (4) (j) and amended to read:

7 941.26 (4) (j) Whoever intentionally sells a device or container described under
8 par. (a) without providing the purchaser with ~~all of the following is guilty of a Class~~
9 ~~A misdemeanor: a. A~~ a proper label on the device or container. ~~b. Written and~~
10 written safety instructions for using the device or container is guilty of a Class A
11 misdemeanor.

12 SECTION 6. 941.26 (4) (j) 1. c. of the statutes is repealed.

13 SECTION 7. 941.26 (4) (j) 2. of the statutes is repealed.

14 SECTION 8. 941.26 (4) (k) of the statutes is renumbered 941.26 (4) (k) 1. and
15 amended to read:

941.26 (4) (k) 1. ~~Any~~ Except as provided in subd. 2., any person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

SECTION 9. 941.26 (4) (k) 2. of the statutes is created to read:

941.26 (4) (k) 2. Subdivision 1. does not apply if the person's parent, guardian, or legal custodian purchased the device or container for him or her or gave the device or container to him or her.

SECTION 10. 941.26 (4) (m) of the statutes is created to read:

941.26 (4) (m) The department of justice may not promulgate or enforce any rule that regulates a device or container described under par. (a), including the packaging or labeling of the device or container, safety or effectiveness criteria for the device or container, the contents of the device or container, or the sale of a device or container.

SECTION 11. Initial applicability.

(1) The treatment of section 941.26 (4) (g), (i), and (j) 1. c. and 2. of the statutes first applies to sales that occur on the effective date of this subsection.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0017/P2

CMH:sac:jf

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today
please
no changes

pepper

1 **AN ACT to repeal** 941.26 (4) (f), 941.26 (4) (g), 941.26 (4) (h), 941.26 (4) (i), 941.26
2 (4) (j) 1. c. and 941.26 (4) (j) 2.; **to renumber and amend** 941.26 (4) (k); **to**
3 **consolidate, renumber and amend** 941.26 (4) (j) 1. (intro.), a. and b.; and **to**
4 **create** 941.26 (4) (k) 2. and 941.26 (4) (m) of the statutes; **relating to:** the
5 regulation of oleoresin of capsicum in containers sold in this state.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Justice (DOJ) to promulgate rules regulating the sale of devices or containers that contain oleoresin of capsicum (commonly known as the pepper in pepper spray). The rules must include safety criteria, requirements to ensure such a device or container is effective and appropriate for self-defense purposes, limits on the percentage of oleoresin of capsicum in such a device or container, and a maximum effective range for such a device or container. A person who intentionally sells a device or container that does not comply with these rules is guilty of a Class A misdemeanor. This bill prohibits DOJ from promulgating rules that regulate such devices or containers.

Current law also prohibits a person from selling a device or container containing oleoresin of capsicum without providing the purchaser with a proper label on the device or container, written safety instructions for using the device or container, and a package that contains a clear, highlighted message to the purchaser cautioning him or her to read and follow the safety instructions. A person who violates one of the prohibitions is guilty of a Class A misdemeanor. This bill

eliminates the requirement to provide a package containing a clear, highlighted message that cautions the purchaser to read and follow the safety instructions.

Also, under current law, a seller of a device or container may not leave an unsold device or container in a place where customers have access to it. This bill eliminates this prohibition.

Finally, under current law, a person under the age of 18 who possesses a device or container containing oleoresin of capsicum is subject to a Class E forfeiture. Under this bill, this prohibition does not apply if the person's parent, guardian, or legal custodian gave the device or container to him or her. Also under current law, a person who knowingly sells such a device or container to a person under the age of 18 is guilty of a Class C forfeiture. This bill eliminates this provision.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 941.26 (4) (f) of the statutes is repealed.

2 **SECTION 2.** 941.26 (4) (g) of the statutes is repealed.

3 **SECTION 3.** 941.26 (4) (h) of the statutes is repealed.

4 **SECTION 4.** 941.26 (4) (i) of the statutes is repealed.

5 **SECTION 5.** 941.26 (4) (j) 1. (intro.), a. and b. of the statutes are consolidated,
6 renumbered 941.26 (4) (j) and amended to read:

7 941.26 (4) (j) Whoever intentionally sells a device or container described under
8 par. (a) without providing the purchaser with all of the following is guilty of a Class
9 ~~A misdemeanor: a. A~~ a proper label on the device or container. ~~b. Written and~~
10 written safety instructions for using the device or container is guilty of a Class A
11 misdemeanor.

12 **SECTION 6.** 941.26 (4) (j) 1. c. of the statutes is repealed.

13 **SECTION 7.** 941.26 (4) (j) 2. of the statutes is repealed.

14 **SECTION 8.** 941.26 (4) (k) of the statutes is renumbered 941.26 (4) (k) 1. and
15 amended to read:

941.26 (4) (k) 1. ~~Any~~ Except as provided in subd. 2., any person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

SECTION 9. 941.26 (4) (k) 2. of the statutes is created to read:

941.26 (4) (k) 2. Subdivision 1. does not apply if the person's parent, guardian, or legal custodian purchased the device or container for him or her or gave the device or container to him or her.

SECTION 10. 941.26 (4) (m) of the statutes is created to read:

941.26 (4) (m) The department of justice may not promulgate or enforce any rule that regulates a device or container described under par. (a).

SECTION 11. Initial applicability.

(1) The treatment of section 941.26 (4) (g), (i), and (j) 1. c. and 2. of the statutes first applies to sales that occur on the effective date of this subsection.

(END)

Parisi, Lori

From: Hutkowski, Hariah
Sent: Monday, January 14, 2013 11:59 AM
To: LRB Legal
Subject: Draft Review: LRB -0017/1 Topic: Eliminating rules on pepper spray and other regulations

Please Jacket LRB -0017/1 for the ASSEMBLY.

already
jacketed -
sent e-mail
1-14-13
12:10pm



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-001712
CMH:sac:rs

Today please

2013 BILL

repeal

1 AN ACT *to repeal* 941.26 (4) (f), 941.26 (4) (g), 941.26 (4) (h), 941.26 (4) (i), 941.26
2 (4) (j) 1. c. and 941.26 (4) (j) 2.; *to renumber and amend* 941.26 (4) (k); *to*
3 *consolidate, renumber and amend* 941.26 (4) (j) 1. (intro.), a. and b.; and *to*
4 *create* 941.26 (4) (k) 2. and 941.26 (4) (m) of the statutes; **relating to:** the
5 regulation of oleoresin of capsicum in containers sold in this state.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Justice (DOJ) to promulgate rules regulating the sale of devices or containers that contain oleoresin of capsicum (commonly known as the pepper in pepper spray). The rules must include safety criteria, requirements to ensure such a device or container is effective and appropriate for self-defense purposes, limits on the percentage of oleoresin of capsicum in such a device or container, and a maximum effective range for such a device or container. A person who intentionally sells a device or container that does not comply with these rules is guilty of a Class A misdemeanor. This bill prohibits DOJ from promulgating rules that regulate such devices or containers.

Current law also prohibits a person from selling a device or container containing oleoresin of capsicum without providing the purchaser with a proper label on the device or container, written safety instructions for using the device or container, and a package that contains a clear, highlighted message to the purchaser cautioning him or her to read and follow the safety instructions. A person who violates one of the prohibitions is guilty of a Class A misdemeanor. This bill

BILL

- 2 -

eliminates the requirement to provide a package containing a clear, highlighted message that cautions the purchaser to read and follow the safety instructions.

Also, under current law, a seller of a device or container may not leave an unsold device or container in a place where customers have access to it. This bill eliminates this prohibition.

Finally, under current law, a person under the age of 18 who possesses a device or container containing oleoresin of capsicum is subject to a Class E forfeiture. Under this bill, ~~this prohibition does not apply if the person's parent, guardian, or legal custodian gave the device or container to him or her.~~ *and* Also under current law, a person who knowingly sells such a device or container to a person under the age of 18 is guilty of a Class C forfeiture. ~~This bill eliminates this provision.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 941.26 (4) (f) of the statutes is repealed.

2 SECTION 2. 941.26 (4) (g) of the statutes is repealed.

3 SECTION 3. 941.26 (4) (h) of the statutes is repealed.

4 SECTION 4. 941.26 (4) (i) of the statutes is repealed.

5 SECTION 5. 941.26 (4) (j) 1. (intro.), a. and b. of the statutes are consolidated,
6 renumbered 941.26 (4) (j) and amended to read:

7 941.26 (4) (j) Whoever intentionally sells a device or container described under
8 par. (a) without providing the purchaser with all of the following is guilty of a Class
9 ~~A misdemeanor: a. A~~ a proper label on the device or container. ~~b. Written and~~
10 written safety instructions for using the device or container is guilty of a Class A
11 misdemeanor.

12 SECTION 6. 941.26 (4) (j) 1. c. of the statutes is repealed.

13 SECTION 7. 941.26 (4) (j) 2. of the statutes is repealed.

14 SECTION 8. 941.26 (4) (k) of the statutes is renumbered 941.26 (4) (k) 1. and
15 amended to read:

BILL

941.26 (4) (k) 1. ~~Any~~ Except as provided in subd. 2., any person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

SECTION 9. 941.26 (4) (k) 2. of the statutes is created to read:

941.26 (4) (k) 2. Subdivision 1. does not apply if the person's parent, guardian, or legal custodian purchased the device or container for him or her or gave the device or container to him or her.

SECTION 10. 941.26 (4) (m) of the statutes is created to read:

941.26 (4) (m) The department of justice may not promulgate or enforce any rule that regulates a device or container described under par. (a).

SECTION 11. Initial applicability.

(1) The treatment of section 941.26 (4) (g), (i), and (j) 1. c. and 2. of the statutes first applies to sales that occur on the effective date of this subsection.

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0017/2ins
CMH:.....

1 Insert 2-3

2 **SECTION 1.** 941.26 (4) (g) 1m. of the statutes is created to read:

3 941.26 (4) (g) 1m. Subdivision 1. does not apply to an actor who is a parent,
4 guardian, or legal custodian of a person who has not attained 18 years of age if the
5 actor gives the person the device or container.

6